

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE SHANE GROUP, INC, *et al.*,

Plaintiffs , on behalf of themselves
and all others similarly situated,

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

Case No. 2:10-cv-14360-DPH-MKM

Hon. Denise Page Hood
Mag. Judge Mona K. Majzoub

**RESPONSE BRIEF IN OPPOSITION TO MOTION TO INTERVENE FOR
THE LIMITED PURPOSE OF UNSEALING RECORDS AND
ADJOURNING FAIRNESS HEARING**

MidMichigan Health, Covenant Medical Center, Inc., Metropolitan Hospital, CHE Trinity, Inc., Michigan Health and Hospital Association, Bronson Health Care Group, Inc., University of Michigan Health System, Prime Healthcare Services – Garden City, LLC d/b/a Garden City Hospital, McLaren Health Care Corporation and Health Alliance Plan of Michigan, by and through their attorneys, Honigman Miller Schwartz & Cohn, file this Response Brief in Opposition to the Motion to Intervene for the Limited Purpose of Unsealing Records and Adjourning Fairness Hearing. These parties oppose the motion because it seeks to unseal materials which may include confidential information produced by these entities in discovery.

These entities provided documents and testimony in response to discovery in reliance on the Protective Order in this case, which preserves the confidentiality of the materials so designated, absent a specific challenge procedure outlined in the Protective Order. A blanket unsealing of certain pleadings would contravene this process, and would be completely unfair to third parties who relied on the Protective Order in the course of providing highly sensitive information.

The undersigned have not yet been able to determine whether the materials that the movants seek to unseal does include their confidential materials. We hope to be able to do so, and to inform the Court of any further concerns, prior to the hearing. If unsealing is considered, it should, at a minimum, permit all parties whose materials are affected to review those materials and express their concerns, if any, to the Court, prior to any decision.

Respectfully submitted,

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(P26537)

Date: November 6, 2014

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2014, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

- Michelle L. Alamo
- Farayha J. Arrine
- Bryan M. Beckerman
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- Erin C. Burns
- David M. Cialkowski
- Ryan Danks
- David A. Ettinger
- Mary Jane Fait
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- Michael A. Novara
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- Robert A. Phillips
- Carl T. Rashid
- Anne T. Regan
- Michael R. Shumaker
- Daniel Small
- Todd M. Stenerson
- John E. Tangren
- Jason J. Thompson
- Bryan R. Walters

and I hereby certify that I have mailed by United States Postal Service the paper to
the following non-ECF participants:

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